

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

July 27, 2011

MOTOR CARRIER MATTER

☐

DOCKET NO.

2007-286-WS

UTILITIES MATTER

☒

ORDER NO.

SUBJECT:

DOCKET NO. 2007-286-WS - Application of Utilities Services of South Carolina, Incorporated for Adjustment of Rates and Charges and Modifications to Certain Terms and Conditions for the Provision of Water and Sewer Service – Discuss this Matter with the Commission.

COMMISSION ACTION:

Move that we deny in part and grant in part the Petition for Rehearing and/or Reconsideration of Order No. 2011-363, which was filed by the Office of Regulatory Staff. First, I move that we deny the relief requested in Paragraphs one through three of the ORS Petition, which argue that the Commission may not take additional evidence in this case. The Supreme Court's March Order called for the Commission to give the Company a "meaningful opportunity" to provide certain information in this case, which had been missing from its original testimony. Order No. 2011-363 simply provides that opportunity by directing the Company to provide additional information on certain expense and rate base items, and rates charged by Bio-Tech's competitors in the form of verified testimony. I also move that we hold that the Supreme Court Order allows this Commission to hold a further proceeding to receive the additional evidence limited to the expense and rate base items, and rates charged by Bio-Tech's competitors. The Supreme Court's reference to the "Hilton Head Plantation Utilities" case supports this holding. The ORS Petition further requests, should we hold that additional evidence may be introduced, that this Commission schedule a contested case hearing on the matter, allowing cross-examination of the Company witnesses by ORS. I would note that the Company does not object to this relief, and further suggests that ORS should be allowed to provide its own witnesses if appropriate, although the witnesses would be limited to providing testimony on the matters indicated above and in Order No. 2011-363. Of course, under a contested case proceeding, the Company would be allowed to cross-examine any ORS witnesses. I move that we grant this relief and schedule a contested case hearing as described, which is discussed in Paragraphs 4, 5 and 6 of the ORS Petition. I believe that, in granting this relief, we have addressed the concerns about precedent expressed in Paragraph 7 of the ORS Petition.

PRESIDING: HowardSESSION: RegularTIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>

Attending the EIPC-SSC meeting in Cleveland, Ohio

Annual Leave

(SEAL)

RECORDED BY: J. Schmieding

